

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

MOTION TO QUASH GARNISHMENT

Comes now your applicant, **KRISTINA MARIE GOODEN**, by Counsel, pursuant to Bankruptcy Code §362 (a), and respectfully represents:

1. That your applicant has filed a petition for relief under Chapter 7 of Title 11 of the United States Code;
 2. That your applicant is subject to a garnishment issued by: **WAYNESBORO GENERAL DISTRICT COURT, 250 W WAYNE AVENUE, SUITE 100, WAYNESBORO, VA 22980**, within 90 days of the filing of the above named petition;
 3. That said garnishment is in favor of: **DUPONT COMMUNITY CREDIT UNION, 140 LUCY LANE, WAYNESBORO, VA 22980.**
 4. The GARNISHEE is: **WILSON MEMORIAL HIGH SCHOOL, ATTN: PAYROLL, 189 HORNETT ROAD, FISHERSVILLE, VA 22939;**
 5. The creditor is attempting to garnish: **DEBTOR'S WAGES.**

WHEREFORE, your applicant prays that said garnishment be quashed and have such other and further relief as the nature of the case may require.

Date: February 11, 2021 Respectfully submitted,

By: /s/ Heidi Shafer
Counsel for Debtor

COX LAW GROUP, PLLC
900 LAKESIDE DRIVE, SUITE A
LYNCHBURG, VA 24501
(434) 845-2600

Certificate of Service

I certify on February 11, 2021 I have sent by postage prepaid, first class U.S. Mail this pleading to the Debtor; the Garnishee: **WILSON MEMORIAL HIGH SCHOOL, ATTN: PAYROLL, 189 HORNETT ROAD, FISHERSVILLE, VA 22939**; the Court: **WAYNESBORO GENERAL DISTRICT COURT, 250 W WAYNE AVENUE, SUITE 100, WAYNESBORO, VA 22980**; and the Creditor: **DUPONT COMMUNITY CREDIT UNION, 140 LUCY LANE, WAYNESBORO, VA 22980**.

/s/ Heidi Shafer
Counsel for Debtor

GARNISHMENT SUMMONS

Commonwealth of Virginia Va. Code §§ 8.01-511, 8.01-512.3

WAYNESBORO

COURT NAME

250 S WAYNE AVE STE 100, WAYNESBORO, VA 22980 540-942-6636

General District Court

COURT ADDRESS AND TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the hearing date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

110/2021

DATE OF ISSUANCE OF SUMMONS

CLERK

Def

TO GARNISHER: On check or written answer include return date, name and address of judgment debtor's employer, NAME & SIGN CHECK PAYABLE TO JUDGMENT CREDITOR, and STATEMENT OF CREDITS.

WRT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and take the same from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less the amount shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Writ issued [] , 2020 [] day [] no [] cannot be delivered []

110/2021

DATE OF ISSUANCE OF WRT

CLERK

Def

CASE DISPOSITION

I ORDER that

[] the garnishee pay to the judgment creditor through the court \$ net of any credits.

[] the case be DISMISSED.

[]

DATE ENTERED

JUDGE

CASE NO.	V20 1900-01
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DUPONT COMMUNITY CREDIT UNION

JUDGMENT CREDITOR'S NAME

140 LUCY LANE

STREET ADDRESS

WAYNESBORO, VA 22980

CITY, STATE, ZIP

540-946-3224

TELEPHONE NUMBER

N/A

JUDGMENT CREDITOR'S ATTORNEY'S NAME

N/A

ADDRESS

N/A

TELEPHONE NUMBER

KRISTINA GOODEN

JUDGMENT DEBTOR'S NAME (SERVE)

73 BEVERLEY ST

STREET ADDRESS

VERONA, VA 24482

CITY, STATE, ZIP

540-560-0432

SOCIAL SECURITY NUMBER

TELEPHONE NUMBER

WILSON MEMORIAL HIGH SCHOOL

GARNISHEE'S NAME

189 HORNET RD

STREET ADDRESS

FISHERSVILLE, VA 22902

CITY, STATE, ZIP

December 3, 2020

540-886-4286

DATE OF JUDGMENT

TELEPHONE NUMBER

STATEMENT

\$15,611.92	Judgment Principal
\$0.00	Credits
\$496.27	Interest
\$55.00	Judgment Costs
\$10.00	Attorney's Fees
\$72.00	Garnishment Costs

\$16,245.19 TOTAL BALANCE DUE

The garnishee shall rely on this amount.

HEARING DATE & TIME

3/4/2021

GARNISHMENT SUMMONS

This is a garnishment against (check only one)
 the judgment debtor's wages, salary or other compensation.

some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

Support
 50% 55%
 60% 65%
 (if not specified, then 50%)

state taxes, 100%

If none of the above are checked, then § 34-29(a) applies (a plain-language interpretation of this section is on the reverse of this GARNISHMENT SUMMONS).

\$ received by _____

JUDGMENT CREDITOR
 Judgment debtor present

DATE